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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,131	10/25/2001	Robert Glenn Klinefelter	63015.801US01	1922

23935 7590 11/01/2005  
KOPPEL, JACOBS, PATRICK & HEYBL  
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THOUSAND OAKS, CA 91360

EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/057,131

**Applicant(s)**

KLINEFELTER ET AL.

**Examiner**

Michael N. Opsasnick

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/22/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

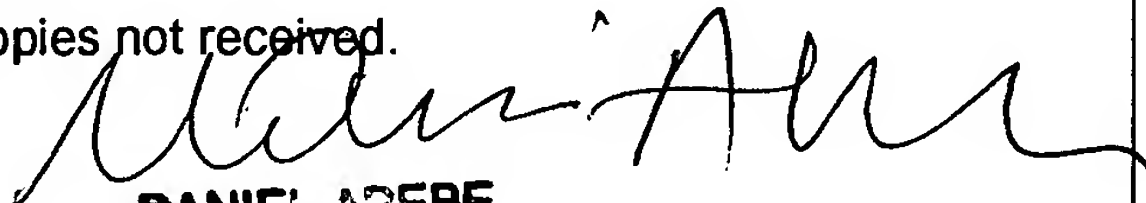
### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

  
**DANIEL DEBE**  
**PRIMARY EXAMINER**

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Bossi et al (6421425).

As per claim 1, Bossi et al (6421425) teaches a communications system between 2 users (abstract) comprising:

“means for receiving and transmitting audio and visual...computer” as exchanging TDD call (Fig. 2)

“an interpreter.....second user” as using the protocol convenience server and TTY when second user accept TDD (Fig. 2, subblock 211 and Fig. 1, subblock 113).

As per claim 2, Bossi et al (6421425) teaches multiple users, of which more than one can be hearing impaired (and thus more than one requiring the interpretative services -- col. 2 line 64 – col. 3 line 15);

As per claim 3, Bossi et al (6421425) teaches each user having an equipped PC on either side to convert the communication into a format that the user can use (Fig. 1, subblocks 101,102)

As per claims 4,7, Bossi et al (6421425) teaches providing an interpretive service, defined by the user [as using the protocol convenience server and TTY when second user accept TDD (Fig. 2, subblock 211 and Fig. 1, subblock 113)] and also when the user specifies that TDD is ok (Fig.2, subblock 208).

As per claims 5,6, Bossi et al (6421425) teaches that the system requires that the user be near internet access (col. 2 lines 40-45).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bossi et al (6421425) in view of Engelke et al (6510206).

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As per claims 8-11, Bossi et al (6421425) does not reveal in detail the type of wireless device and the communication service provider, however, Engelke et al (6510206) teaches the use of a personal interpreter over a wireless device (in particular, a cell phone – col. 4 lines 24-34). Therefore, it would have been obvious to one of ordinary skill in the art of providing interpreter services to modify the system of Bossi et al (6421425) to be used in a wireless device because it would advantageously provide portability of such services (Engelke et al (6510206), col. 4 lines 35-45). Examiner also notes that Engelke et al (6510206) also teaches portability of the services, including voice relay (col. 3 line 31 – col. 4 line 10, and fig.1,2 showing a device for recordation).

### ***Response to Arguments***

5. Applicant's arguments filed 8/22/05 have been fully considered but they are not persuasive. As per applicant's arguments on page 6 of the response, examiner notes that the Bossi reference teaches accessibility via the internet; Bossi also does not preclude the possibility of a second user accessing the computer. In other words, the broadness of the claim scope allows the application of the Bossi reference, however, more specific claim language would overcome the Bossi reference. As per applicant's arguments on page 7 of the response, examiner argues that the single/double housing aspect of the invention is a design choice. As per applicant's arguments on the bottom of page 7 of the response, examiner argues again that the broad claim scope allows for the application of the Bossi reference, but the more specific claim language would overcome the Bossi reference. As per applicant's arguments on page 8 with respect to the claimed matching, examiner argues that the Bossi reference does teach the matching -- the TDD matching of the user. As per applicants arguments on page 9 with respect

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to wireless devices, examiner argues that internet access includes wireless internal access (and see the 103 rejection to the newly added claims with respect to wireless).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

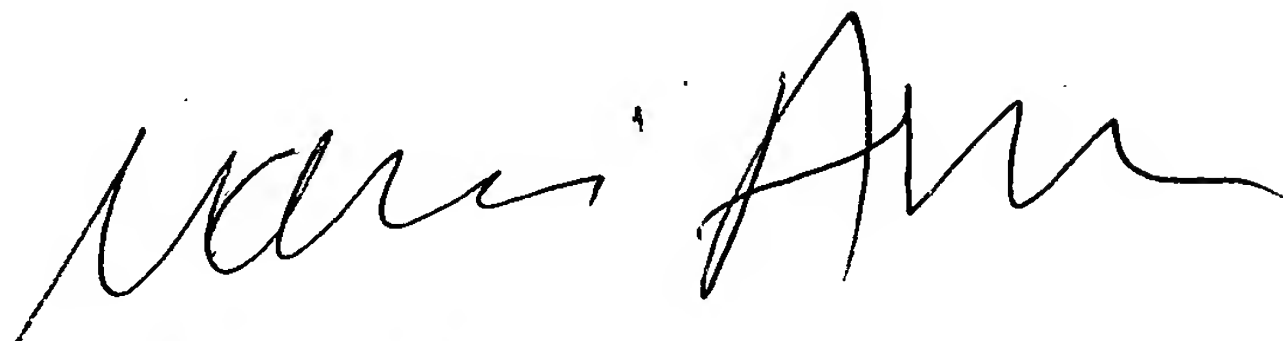
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young, can be reached at (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**DANIEL ABEBE**  
**PRIMARY EXAMINER**

mno

10/30/05